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## NIAGARA REGION STUDY REVIEW COMMISSION

### ELECTORAL SYSTEM IN THE NIAGARA REGION

A Background Report Prepared by:

M. J. Powell

October 1976

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## NIAGARA REGION STUDY REVIEW COMMISSION

### ELECTORAL SYSTEM IN THE NIAGARA REGION

Issues in the Structure of

Municipal Elections

A Background Report Prepared by:

M. J. Powell

October 1976

This report has been prepared upon request of William L. Archer, Commissioner, appointed in August 1975 by the Treasurer of the Province of Ontario to undertake an independent study review of local government in the Region of Niagara.

The conclusions presented in this Background Report do not necessarily reflect the views of the Niagara Region Study Review Commission.

The final report of the Commission will be submitted to the Treasurer of the Province of Ontario on or before January 15, 1977. After that date, inquiries should be made to the Local Government Organization Branch, Ministry of Treasury, Economics and Intergovernmental Affairs, Queen's Park, Toronto (965-6934).

The following Background Reports have been prepared for the Commission and are available from the Commission offices or the Ministry of Treasury, Economics and Intergovernmental Affairs:

- (1) Electoral System in the Niagara Region  
— M. J. Powell
- (2) Environment Ministry — Farm Tax Rebate: Two Case Studies, Provincial Municipal Relations in the Niagara Region  
— Smith, Auld & Associates Ltd.
- (3) Fire Protection in the Niagara Region  
— Dr. R. Church
- (4) Industrial Promotion in the Niagara Region  
— Smith, Auld & Associates Ltd.
- (5) Land Use Planning in the Niagara Region  
— Dr. J. N. Jackson
- (6) Mass Media in the Niagara Region  
— Dr. W. H. N. Hull
- (7) Municipal Organization in the Niagara Region  
— Dr. R. Church
- (8) Public Finance in the Niagara Region  
— Dr. Lewis A. Soroka



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## INTRODUCTION AND SUMMARY

Local government has a long and honourable history. It is regarded as important both for its intrinsic virtues (i.e., that it allows citizens control over their own affairs) and for its wider importance as the first and most accessible opportunity for citizens to experience and to comprehend the workings of representative government. Theorists have long argued, as John Stuart Mill did, that 'it is only by practising government on a limited scale, that people will ever learn how to exercise it on a larger'.

However, local government's usefulness as the 'training ground for democracy' is seldom of particular interest to local residents. In fact, there is considerable evidence to support the argument that citizens are less interested in local government than in any other level of representative government. Voting turnout is highest in federal government elections, somewhat lower in provincial elections, and lowest in municipal elections.

Nonetheless, recent events indicate that interest in local government may be increasing. The main reasons for this are the increasing value placed on matters within the jurisdiction of local government, and the interest aroused by the movement to reorganize municipal structures. As communities are built up, concern for sound planning and for the appropriate use of scarce land resources has occupied more of local government's attention. Citizens have an interest in these issues that differs both in intensity and in scope from their intermittent and lukewarm concern over snow removal and garbage collection. Present decisions by local government will affect the citizen's life as never before. In addition, recent municipal reorganization in Ontario has served to heighten citizen interest in their local government. The elimination or restructuring of familiar institutions has aroused popular concern, partly out of the simple fear that the changes will mean an end to the placid local administration that citizens valued (even if they did not participate actively in it) and partly out of the concern that new municipal institutions are the harbingers of more expensive municipal endeavours that will be removed from the people and insensitive to local needs.



This study is concerned with one aspect of local self-government, the electoral system. The phrase 'electoral system' is used to describe the set of regulations governing how and when elections take place, who is eligible to vote, what offices are to be filled by election, and who is eligible to run for these positions. All of these questions are important for together they create the framework in which citizens choose the people who will govern on their behalf. This selection process, the system of public elections, is at the heart of representative government.

In the normal course of events, however, the electoral system is rarely a subject of widespread public interest. Occasional controversies do arise, but they usually involve claims by residents that their area has too few representatives. Even in these debates, the central issue is how the principles of the electoral system should be applied, not whether the principles themselves are valid.

The absence of general controversy is testimony to the success of the present electoral arrangements. The major battles over universal adult suffrage, the secret ballot, and corruption-free elections have been fought and won. At all levels of government, there is considerable satisfaction with the provisions for public elections. This does not mean that there are not continuing discussions about how electoral systems might be improved. Changing circumstances, particularly important shifts in population, mean that electoral regulations are often under review.

At the local level, in particular, fundamental questions are often being reconsidered. Because of the way it has developed, municipal government in Canada differs in some important ways from government at other levels. For example, because of its reliance on the property tax, local government adopted an electoral system where the right to vote was based on the ownership or tenancy of property. In recent years, the franchise has been extended so that no resident is prohibited from voting simply because he does not own or rent property, but non-residents can still qualify to vote in a municipality if they have property there on which they pay taxes. At the other levels of government, however, residency is one of the major qualifications for voter eligibility.

The evolution of local government has been influenced by American political practices in a way that other levels of government have not. The separate election of the mayor, a significant departure from parliamentary tradition, is an example of the adoption of American practice at the local level. Although it seems to be a permanent feature of Canadian local government, this separate election is coming under increasing attack. The main criticism is that the mayor cannot exercise the leadership role expected of him if he does not have the support of his colleagues. Moreover, because the growing complexity of local government demands greater co-operation within municipal councils for legislative planning and efficient administrative supervision, the mayor's ability to provide leadership is an increasingly important element in local politics. Supporters of the parliamentary form of government argue that having the mayor chosen by his colleagues, rather than by the voters, would guarantee him support and enhance his position as leader. Such a change would encourage council members to act together and would provide a focus for opposition forces. A shift away from the highly individualized approach to politics that is common when the mayor is separately elected would strengthen the council's ability to provide effective government.

The separate election of school boards is another departure from parliamentary tradition. Instead of having all governmental authority vested in one publicly-elected legislature or council, the Canadian system of local government is based on dividing governmental authority between school boards and municipal councils. Because school boards predate municipal councils in the oldest parts of Ontario, this division of authority has long been regarded as a fundamental part of local government. However, responsibilities are divided further when specific functions are assigned to other local boards and commissions, which have either elected or appointed boards. The fragmentation of authority among various local bodies has often been criticized by observers of local government, and some efforts are being made to reduce the number of special purpose bodies and to return their functions to the municipal council.



However, the school boards have so far been untouched by this reorganization<sup>1</sup> and appear to hold an inviolable position in Ontario local government.

The introduction of a second or upper tier of municipal government poses new and difficult problems, particularly concerning how this level of government should be constituted. Because regional government is being superimposed on, rather than replacing, existing municipal institutions, and because it is just starting out as a municipal government, it has been considered essential to include representatives from the area municipal councils on the regional council. The objectives of this practice are to encourage area municipalities to co-operate with the regional government and to help this fledgling government to get established. But, at the same time, it is important that the regional government acquire legitimacy and independence as a representative institution. If the people are to regard the regional municipality as a legitimate government, and if it in turn is to be responsive to their wishes and demands, the members of regional government must be chosen directly by the people.

This, therefore, is the dilemma of electoral arrangements in a regional government: to reconcile the practical and political considerations that favour having representatives from the area municipalities on regional council with the fundamental need for that council to represent the people of the region if it is to function effectively in the regional interest. There is some urgency in solving this problem for the ultimate success of regional government depends, at least in part, on its being accepted by the area municipalities and by the people of the region.

In addition to basic questions about the nature of the electoral system, there are other concerns about how well the present system functions. For example, what are the consequences of having elections by ward or at-large? If there are wards, what are the most important criteria for establishing the boundaries? Another subject of interest

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1. School boards have been part of a major restructuring program in Ontario, but the reorganization did not involve making education a municipal council responsibility. It involved the consolidation of school boards into larger units, each with its own elected board.

is the extent of citizen participation in local government. Using the traditional (and not very demanding) criteria of the level of competition for elective offices and the turnout of voters at elections, we can examine this facet of local government in Niagara. Is the pay for serving in public office high enough to attract capable candidates from all income groups? Is it adequate compensation for the time they would have to spend on public affairs? Are there too many elective offices - are the voters discouraged from the outset by being confronted with too many decisions too often?

A study of the electoral system provides an opportunity to consider these issues and to examine both the traditional elements of municipal institutions and the experimental structures set up to improve local self-government. Throughout such a review, the fundamental questions to be kept in mind are what kind of electoral system provides the most equitable and most efficient method of having citizens choose their representatives and what are the best kinds of representative institutions. At the same time, it is essential to recognize that the electoral system can only establish the framework for local representative government. Other considerations, like the distribution of powers among governments, the allocation of financial resources, and the administrative organization of municipal government, are equally important; as far as the efficient operation of local government is concerned, these factors are often far more influential than the electoral system.



## CHAPTER ONE

### THE ELECTORAL SYSTEM: BASIC INFORMATION

In Canada, the provinces have full legal authority over all aspects of municipal government. The very existence of local governments, their organization, and all the powers they exercise are established by provincial statute. So, too, the electoral system is set out in provincial legislation, both in the general statutes governing all municipalities in Ontario (e.g., The Municipal Act, and The Municipal Elections Act), and in specific acts applying only to one area (e.g., The Regional Municipality of Niagara Act).

Not all aspects of the electoral system are rigidly specified by provincial legislation. Although some matters, like the timing of elections, cannot vary, there are other elements where the municipalities are given some discretion. For example, The Municipal Act sets out the composition of councils in various types of municipalities (cities, towns, and townships) and in each case provides several alternatives; the local area can choose among them. Fort Erie, Grimsby, and Lincoln, for example, are all towns and are therefore governed by the same sections of The Municipal Act. But Fort Erie has a council of 13 members, most of them elected by wards, while Grimsby and Lincoln have 9-member councils, with Grimsby aldermen all elected at-large and Lincoln aldermen elected on the basis of two to a ward.

Despite the legal omniscience of the Province in municipal affairs, local preferences and local tradition have often served to limit the Provincial Government's power to act. The strong loyalties to local institutions cannot be discounted, and they have exercised an important influence on the Province's approach to reorganizing local government. Although regional government itself has contravened local preference in some cases, the Province has made efforts to maintain local traditions, within the context of restructuring area municipalities, and to accommodate concerns about the new regional government. In the case of Niagara, for instance, the size of regional council was increased in response to demands for greater representation by four of the area municipalities. The electoral system is thus established by provincial law but is a reflection both of provincial control over



municipal affairs and of the strength of local political traditions.

In this section of the report, basic information about the electoral system is provided. The first part deals with the governing structures of the Region and its area municipalities. Subsequent sections discuss voter eligibility and candidate eligibility. The concluding part outlines the regulations concerning the conduct of municipal elections.

#### A. Governing Structures

Regional Niagara as a whole is governed by no fewer than seventeen publicly-elected bodies. However, the jurisdiction of these institutions is divided both territorially and functionally. The Regional Municipality has jurisdiction over the entire area but only for certain municipal services like welfare and sewage treatment. Each area municipality governs a separate part of the Region and has authority over certain other functions like fire protection services and garbage collection. Responsibility for services like planning and road maintenance is shared by both levels. There is a further division of functions between the municipal councils and the school boards, which are responsible for education services, and within the field of education, jurisdiction is divided by territory (i.e., along county lines) and according to the division between the public and separate school systems. Figures 1 and 2 provide an illustration. Although there are seventeen elected institutions in the Region, Fig. 1 shows that no area is governed by more than four of them.

##### (i) Area Municipal Councils

The twelve area municipalities that make up the Region are all governed by the mayor-council system that is a common feature of Canadian local government. In Ontario, the composition of municipal councils is set out in The Municipal Act, which makes different provisions for cities, towns, and townships. In Niagara, the municipalities are designated as follows:

Cities:	Niagara Falls, Port Colborne, St. Catharines, Thorold, and Welland.
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Fig. 1 TERRITORIAL DIVISION OF POWER IN NIAGARA

GOVERNING BODIES (ELECTED)			
	Regional Council	Area Municipal Councils	School Boards
Niagara-on-the-Lake		Town Council	Lincoln County Board of Education
Lincoln		Town Council	Lincoln County Separate School Board
Grimsby		Town Council	
West Lincoln		Township Council	
St. Catharines	Regional Council	City Council	
Port Erie	Council	Town Council	Niagara South Board of Education
Port Colborne		City Council	Welland County Separate School Board
Thorold		City Council	
Pelham		Town Council	
Wainfleet		Township Council	
Welland		City Council	
Niagara Falls		City Council	

Fig. 2\* FUNCTIONAL DIVISION OF POWER IN NIAGARA

GOVERNING BODIES (ELECTED)			
Municipal Services**	Regional Council	Area Municipal Council	School Boards
Tax Collection	xxxxxxxxxxxx	xxxxxxxxxxxx	xxxxxxxxxxxx
Capital Borrowing	xxxxxxxxxxxx	xxxxxxxxxxxx	
Fire Protection	xxxxxxxxxxxx	xxxxxxxxxxxx	
Trunk Sewers	xxxxxxxxxxxx	xxxxxxxxxxxx	
Parks & Recreation		xxxxxxxxxxxx	
Education		xxxxxxxxxxxx	
Garbage Collection		xxxxxxxxxxxx	
Welfare	xxxxxxxxxxxx	xxxxxxxxxxxx	
Roads	xxxxxxxxxxxx	xxxxxxxxxxxx	
Planning	xxxxxxxxxxxx	xxxxxxxxxxxx	

\* Scale is not exact  
 \*\* Partial List Only



Towns: Fort Erie, Grimsby, Lincoln,  
Niagara-on-the-Lake, and Pelham.

Townships: Wainfleet and West Lincoln.

Although The Municipal Act provides for some local discretion in the composition of municipal councils, the present councils in Niagara are composed according to the schedule set out in The Regional Municipality of Niagara Act, which created twelve area municipalities out of the previous twenty-six. In each municipality, the chief executive officer is the mayor (Lord Mayor in Niagara-on-the-Lake), who is elected at-large. The remaining members of councils are aldermen, who are elected either at-large or by ward. The total size of councils ranges from five in Wainfleet to thirteen in Fort Erie, Niagara Falls, St. Catharines, and Welland. Table 1 shows the composition of each area municipal council.

There is considerable variety in the system of aldermanic elections in the area municipalities. At-large election is used in four municipalities: Grimsby,<sup>1</sup> Niagara-on-the-Lake, Thorold, and Wainfleet. In the other eight, aldermen are elected by wards. Usually, wards are of approximately equal population and elect the same number of aldermen (in most cases, two from each ward). However, in Niagara, the ward arrangements in certain municipalities reflect the special representation requirements produced by boundary changes at the time regional government was introduced. Two good examples are Niagara Falls and Fort Erie.

With the 1970 changes that made Chippawa and parts of Crowland, Humberstone, and Willoughby Townships a part of the City of Niagara Falls, a system of wards was introduced to give the people of these former municipalities an opportunity to elect their own representatives to the Niagara Falls City Council. The new City has four wards: the largest is the former City of

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1. Grimsby will change to a ward system beginning with the December 1976 municipal election. The size of council will not be affected; the eight aldermen will be elected on the basis of two members for each of the four new wards.

TABLE 1      SIZE AND COMPOSITION OF AREA MUNICIPAL COUNCILS

Municipality	Size of Council	Composition of Council
Fort Erie	13	Mayor and 12 Aldermen: 4 from Ward 1 4 from Ward 2 2 from Ward 3 1 from Ward 4 1 at large
Grimsby	9	Mayor and 8 Aldermen, all elected at large
Lincoln	9	Mayor and 8 Aldermen, 2 elected in each of 4 wards
Niagara Falls	13	Mayor and 12 Aldermen: 8 from Ward 1 2 from Ward 2 1 from Ward 3 1 from Ward 4
Niagara-on-the-Lake	9	Mayor and 8 Aldermen, all elected at large
Pelham	7	Mayor and 6 Aldermen, 2 elected in each of 3 wards
Port Colborne	9	Mayor and 8 Aldermen, 2 elected in each of 4 wards
St. Catharines	13	Mayor and 12 Aldermen, 2 elected in each of 6 wards
Thorold	11	Mayor and 10 Aldermen, all elected at large
Wainfleet	5	Mayor and 4 Aldermen, all elected at large
Welland	13	Mayor and 12 Aldermen, 2 elected in each of 6 wards
West Lincoln	7	Mayor and 6 Aldermen, 2 elected in each of 3 wards

Niagara Falls, which elects eight aldermen<sup>2</sup>; the former Village of Chippawa is also treated as one ward, and elects two aldermen; the remaining two wards, composed of the part of Willoughby Township added to the new city, and the parts of Crowland and Humberstone Townships, each elect one alderman. The result is that each former municipality is treated as a voting unit (except for Crowland and Humberstone, which are combined into one ward) and each elects one alderman or more, according to the size of its population.

The Fort Erie ward system follows a similar pattern. The former Town of Fort Erie and the former Township of Bertie are each wards electing four aldermen. The Village of Crystal Beach is also a separate ward but it elects only two members to the Fort Erie council. The remaining ward is made up of the part of Willoughby Township added to Fort Erie, and it elects one alderman. In order to ensure that the council, including the mayor, has an odd number of members (i.e., to avoid tie votes), an additional alderman elected at-large was added to the new municipal council.

Although these ward systems were expressly constructed to give voters of former municipalities their own representative(s), this practice was not followed in St. Catharines. The eastern part of the former Township of Louth was made part of the City of St. Catharines in 1970, but it was not treated as a separate ward. Instead, it was divided between the existing wards of Port Dalhousie and St. Andrews. One of the reasons for adding Louth to the existing wards, rather than making it a separate voting unit, was that its population was very much smaller than even the smallest of the regular St. Catharines wards.<sup>3</sup>

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2. In effect, this reproduces at-large election within the former City. Until 1969, all aldermen were elected at-large. The voters in the former City now elect eight aldermen instead of ten, but the entire community is still a single voting unit.
  3. When the ward boundaries were redrawn in 1972, the former Louth Township area was apportioned among Port Dalhousie, St. Patrick's and St. Andrew's wards.



The aldermen and the mayor make up the municipal council, which serves a function similar to Parliament and the Provincial Legislature. The members debate matters of concern to the municipality, and pass by-laws authorizing the provision of services, regulating activities within the area, etc. However, the councils differ from the legislatures at the senior levels of government in that their chief executive office, the mayor, is elected at-large. In some Ontario municipalities, other executive officers (controllers) are also elected at-large and they serve with the mayor on the Board of Control, which is the executive body of the municipality. None of the municipalities in Niagara use this board of control system, and only one, St. Catharines, has a separate executive committee as such. All the others have a system of standing committees to deal with various aspects of council business, and set up special committees from time to time to deal with subjects of a temporary nature.<sup>4</sup> With the exception of St. Catharines, therefore, the entire council acts as both executive and legislature, with the mayor having special responsibilities as the member elected to an executive position. Even in St. Catharines, the work of the executive committee is supplemented by an all-council general committee.

#### (ii) Regional Council

There is no general legislation governing the composition of regional councils. Instead, each case is treated separately in the statutes establishing the various regional municipalities. Although these provisions do not permit any choice on the part of the new municipality, council arrangements are usually negotiated in advance with the area municipalities that will be a part of the regional government.

The Regional Council in Niagara is composed according to Section 8 of The Regional Municipality of Niagara Act. With 29 members, it is the largest municipal council in

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4. There are some exceptions. Niagara Falls has no standing committees, although it does have some special committees; e.g., the Mayor's Committee on Housing. However, there is a regular council meeting once a week rather than once every two weeks as in the other municipalities. In Niagara-on-the-Lake, the only standing committee is in fact a committee of the whole council.

Niagara. Unlike the area municipalities, the Regional Municipality has a chairman, rather than a mayor, as its chief executive officer. During the first years of the council's operation, the chairman was appointed by the Provincial Government. Since 1973, the council itself has chosen the chairman, and in Niagara, as in most other regional governments, the council has retained the original provincial appointee.

Of the other 28 members of Regional Council, twelve are the mayors of the area municipalities. They are ex-officio members of the council; that is, they sit on Regional Council by virtue of having been elected to the position of mayor at the area municipality level. For the three smallest area municipalities, Pelham, Wainfleet, and West Lincoln, the mayor is their only representative on Regional Council.

The remaining 16 members of the council are directly elected by the voters of the Region. In these elections, the area municipality is the basic voting unit and representatives are apportioned among the municipalities according to the following scheme:

- one representative for municipalities with at least 10,000 people
- an additional representative for every 20,000 people above the 10,000 mark.

This gives St. Catharines five elected members, in addition to the mayor, while smaller municipalities, like Grimsby and Thorold, are represented on Regional Council by their mayor and one elected member. Table 2 illustrates the composition of Regional Council.

The regional municipality is an innovation in Ontario municipal government and the electoral arrangements reflect its experimental nature. It follows neither the parliamentary form used at the federal and provincial levels nor the mayor-council form of the lower-tier municipalities. Even within the category of 'regional government', systems of representation vary. In Ottawa-Carleton, the first regional government, membership on the regional council was entirely ex-officio: all members were drawn from among the

TABLE 2 COMPOSITION OF REGIONAL COUNCIL

Area Municipality	1970 * Population	No. Reps. on Regional Council	Regional Representatives	
			Indirectly Elected (Mayor)	Directly Elected
Fort Erie	22,531	2	1	1
Grimsby	15,200	2	1	1
Lincoln	13,661	2	1	1
Niagara Falls	64,131	4	1	3
Niagara-on-the-Lake	12,460	2	1	1
Pelham	9,855	1	1	-
Port Colborne	21,261	2	1	1
St. Catharines	104,969	6	1	5
Thorold	15,318	2	1	1
Wainfleet	5,343	1	1	-
Welland	44,680	3	1	2
West Lincoln	8,233	1	1	-
TOTAL	337,642	28	12	16

\* 1970 Population is given to illustrate size of municipalities when regional representation was being decided.



directly elected representatives on the area municipal councils. Niagara was the next regional municipality to be established and the system of direct and indirect election was an entirely new approach. In the regions set up after Niagara, structures of representation have drawn on the earlier experience. In Regional Durham, for example, some members are directly elected but not solely to Regional Council; they campaign for the dual position of local alderman and regional councillor. It is clear that an appropriate system of representation is one of the questions yet to be settled for regional government in Ontario.

(iii) School Boards

In addition to the area councils and Regional Council, school boards are elected within the Region. In 1969, as part of a province-wide school board consolidation plan, the existing 62 local school boards were consolidated into two county-wide public school boards and two county-wide separate school boards. Throughout the province, this program was designed to produce single-tier school governments large enough to be able to provide economical school services, including both basic education and at least some of the special services that can only be supported if the population base is larger than the population served by the traditional local boards. In the southern half of the province, the county was used as the basic unit for school reorganization. Thus, in Niagara, two boards were set up, one each in the counties of Lincoln and Welland. The traditional separation of public and Catholic school systems was continued, so that separate county-wide boards were established for each system.

The composition of public school boards includes public school trustees, elected by the public school supporters within the board's jurisdiction, as well as some representatives elected by the separate school supporters. This arrangement reflects the fact that separate school education is provided only until Grade 10; for the final years of high school, the students are educated in the public school system. The separate school trustees on the public school boards are therefore only entitled to vote on matters relating to secondary school education. For all other matters, separate school supporters are represented by their trustees elected to the separate school boards of education.

Elections to the school boards use the area municipality as the basic voting unit. Members are elected at-large within each municipality. Representatives are apportioned among them according to the municipality's share of the total property assessment on which taxes are paid to support the board. Table 3 summarizes the composition of school boards in the Niagara Region.

(iv) Other Special Purpose Bodies

Area municipal councils, the regional council, and the school boards are the main local government institutions in the Regional Municipality of Niagara. However, there are other governmental bodies in Niagara that are not elected. For example, the Niagara Regional Health Unit and the Niagara Regional Board of Commissioners of Police are two special purpose bodies exercising control over regional affairs. Neither board is elected. The Niagara Regional Health Unit comprises seven members of regional council and three provincial appointees. The five-member Niagara Regional Board of Commissioners of Police is made up of two regional councillors, appointed by council, three provincial appointees, one of whom is a county court judge.

The case of hydro-electric commissions, another type of special purpose body, is unusual. Before the introduction of regional government, there were twelve publicly-elected hydro commissions in the Region. Although waterworks commissions were abolished in 1970, hydro commissions were continued, pending the Province's decision on the restructuring of local utilities. This was regarded as a purely interim measure, and the members of the commissions (the mayor and either two or four elected commissioners) were to continue in office until the restructuring was completed. The original plan was that reorganization would take effect in 1971. Because the new scheme for municipalities was not ready, the commissions were to be extended until the Provincial Government had established an alternative. That extension remains in effect. Therefore, the commissions are elected bodies, but no elections have been held for these offices since 1969.

TABLE 3 COMPOSITION OF SCHOOL BOARDS

School Boards (Public)	Municipalities Included	Public School Trustees	Separate School Trustees	Total
1. Lincoln Cty. Board of Education	Niagara-on-Lake	2	)	)
	Lincoln	2	) 1	) 9
	Grimsby	2	)	)
	West Lincoln	1	)	)
	St. Catharines	10	2	11
TOTAL		17	3	20
2. Niagara * South Board of Education	Fort Erie	2	)	)
	Port Colborne	2	) 1	) 5
	Thorold	1	)	)
	Pelham	1	) 1	) 4
	Wainfleet	1	)	)
	Welland	3	1	4
TOTAL		15	5	20
School Boards (Separate)	Municipalities Included	Separate School Trustees		Total
3. Lincoln County Separate School Board	Niagara-on-Lake		2	2
	Grimsby		1	1
	St. Catharines		10	10
	Lincoln	)	1	1
	West Lincoln	)		
TOTAL			14	14
4. Welland County Separate School Board	Niagara Falls		5	5
	Welland		3	3
	Fort Erie		2	2
	Thorold		2	2
	Port Colborne		1	1
	Pelham	)		
TOTAL			14	14

\* Commencing with the election of December 1976, separate school supporters will elect their own trustee to the Niagara South Board of Education and separate school supporters in Fort Erie, Pelham, Port Colborne and Wainfleet will jointly elect one separate school trustee to the Niagara South Board.



There are scores of other special purpose bodies in Niagara. Most of them operate within area municipalities, and the local council has the power to appoint members to the boards. These bodies serve a wide range of functions, including the management of libraries, museums, cemeteries, and community centres. In some cases, local boards are used to manage facilities shared by two or more municipalities. For example, Grimsby, Lincoln, Pelham, and West Lincoln appoint members to the board of management of the Grimsby waste disposal site, which is used by all four municipalities.

With the exception of school boards, special purpose bodies are not composed of members elected to the board positions. In many cases, however, elected members of council are appointed to special purpose bodies, and their presence is intended to promote co-ordination between these special purpose authorities and the municipal council.

#### (v) Summary

There are 202 elected positions in the Regional Municipality of Niagara. The largest block, 118, are positions on the area municipal councils. A further 68 positions on school boards are also filled by election. Regional Council, although it has 29 members, adds only another 16 to the total, since neither the Chairman nor the mayors are directly elected to Regional Council. Table 4 provides the distribution of elected positions by municipality.

#### B. Voter Eligibility

The municipal franchise was originally tied to the ownership or tenancy of property. In the early part of this century, women property owners were able to vote at municipal elections, but they could not vote in either federal or provincial elections. As recently as 1958, lodgers were not entitled to vote in municipal elections because they did not own or rent a dwelling unit, which was defined as a self-contained residence. However, The Municipal Elections Act of 1972 brought together all the recent changes in the municipal franchise and its provisions ensured that no resident was disenfranchised on the basis of property.

TABLE 4\* DISTRIBUTION OF ELECTED POSITIONS AMONG AREA MUNICIPALITIES

Area Municipality	Local Council	Regional Council	School Board		
			Public	Separate	Total
Fort Erie	13	1	2(1)**	2	18(1)**
Grimsby	9	1	2(1)	1	13(1)
Lincoln	9	1	2(1)**	(1)**	12(2)**
Niagara Falls	13	3	7	5	28
Niagara-on-the-Lake	9	1	2(1)	2	13(1)
Pelham	7	-	1(1)**	(1)**	8(2)**
Port Colborne	9	1	2(1)	1	13(1)
St. Catharines	13	5	12	10	39
Thorold	11	1	1(1)	2	15(1)
Wainfleet	5	-	1(1)	(1)	6(2)
Welland	13	2	4	3	22
West Lincoln	7	-	1(1)	(1)	8(2)
TOTAL	118	16	(37+(3)**) 40	(26+(2)**) 28	(197+(5)**) 202

\* Figures in brackets represent school board trustees elected by two or more municipalities. They are shown for each municipality that shares a trustee, but are counted only once in the totals.

\*\* Indicates which bracketed figures are counted in the totals.

The Act establishes that any person is entitled to vote if he or she is:

- (a) a resident of the municipality
- (b) a Canadian citizen or other British subject<sup>5</sup>
- (c) at least eighteen years of age.

It is this section of the Act that enfranchises the vast majority of those eligible to vote in municipal elections.

However, there is also a provision that allows non-residents (and their spouses) to vote if they own or rent property in the municipality and meet the other qualifications. This provision is in recognition of the fact that these non-residents pay property taxes to support the municipal government. In most municipalities, the non-resident electors make up only a very small proportion of the total electorate; but, they are a substantial force in municipalities where many of the residences are summer cottages.

Enfranchisement of non-residents is based on the direct personal ownership or tenancy of property, either residential or business, but there are some anomalies in the eligibility of business property-holders because only non-corporate owners and tenants are allowed to vote in most local elections. If a corporation owns a building, it can nominate a voter to vote on its behalf, but only in elections where a money by-law is on the ballot. It can never vote for the mayor or aldermen. However, the non-corporate tenants of the same building are entitled to vote in all municipal elections.

### C. Candidate Eligibility

The Municipal Elections Act states that every person whose name is entered on the list of eligible voters is entitled to run for municipal office, provided that he is not expressly disqualified. Disqualification of certain citizens is based on the incompatibility of their jobs with

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5. The Joint AMO-AMCTO Committee on Municipal Elections has recommended phasing out the eligibility of non-Canadian British subjects and it is likely that their recommendation will be incorporated in amendments to The Municipal Elections Act expected in time for the 1978 municipal elections.



service in local public office. Thus MPs, MPPs, and judges cannot hold municipal office. Similarly, employees of the municipal corporation or of the school board are not entitled to run for positions on these bodies unless they take a leave of absence from their jobs. This is designed to prevent the conflict of interest that would arise if, for example, an employee of the municipal works department were to vote, as an alderman, on a contract that would affect his earnings as an employee of the municipality. Apart from those specifically prohibited from running for municipal office, all eligible voters are also potentially eligible candidates. They can be nominated for any office simply by getting the signatures of ten eligible voters on their nomination papers.

#### D. The Election Itself

Municipal elections are, by law, held on the first Monday in December. At least one advance poll, nine days before voting day, is required but the municipal council can authorize the clerk to hold additional advance polls.

The municipality is divided into polling subdivisions, which should contain not more than 350 voters each, and should not cross ward boundaries. People vote in the polling subdivision in which they live or, in the case of non-resident electors, in which they own or rent property.

Although municipal councils can use voting machines or voting recorders, the common practice is to use ballot papers. The general legislation provides that separate ballots should be prepared for each office to be filled by election, and that each voter may vote for as many candidates as are to be elected. Thus, a voter might get separate ballots for mayor (choose one), for aldermen (choose two or eight or however many are to be elected), for regional council (choose one, two, three, or five), and for school board (choose one, ten, etc.). However, there is also a provision that allows the council to arrange, by by-law, for a composite ballot. In this case, a voter would receive one paper showing all the candidates for all the offices, with instructions about how many choices he can make in each category.

The legislation also makes provisions for the counting of ballots, the procedures for recounts, the selection of returning officers and their deputies, the candidates'

rights to have scrutineers at each polling station, and the announcement of election results. Where there are only as many nominees as there are positions to be filled, the returning officer (the municipal clerk) can declare the results of the election at the close of nominations. In all other cases, results are announced when all the ballots have been counted, and the new officers formally take office on the 1st of January of the new year.

#### E. Conclusion

The information provided in this section is a summary of the main elements of the electoral system. In every case, municipal electoral practice is authorized by provincial legislation. Some of the provisions, like those concerning voter eligibility, candidate eligibility, and the conduct of the election, are uniform for all municipalities in Ontario. In other instances, like the size of council and the ward system, municipalities are governed by the provisions of The Municipal Act, which treat cities, towns, and townships separately. Although the present arrangements in Niagara are established by The Regional Municipality of Niagara Act, they follow the general provisions of The Municipal Act regarding the composition of councils. The Regional Council, however, is a unique case. It, too, is set up by the authority of The Regional Municipality of Niagara Act but the provisions are specific to Niagara; there is no general legislative pattern governing the composition of regional councils.

## CHAPTER TWO

### ISSUES AND PROBLEMS

Identifying issues and problems in the electoral system is largely a matter of establishing the objectives the electoral system should meet and then examining how well the present structures succeed. Stated that way, the task seems to be a simple, almost mechanical, exercise. Naturally, it is nothing of the sort. At every step, there is room for disagreement and debate. There is no consensus on the objectives that the electoral system should meet, no agreement over how these goals can be held in balance, no acceptable solution to the problem of how to implement the compromises that are eventually reached. There is not even agreement about how to evaluate the present electoral arrangements. Nonetheless, the most useful approach to the electoral system is to follow just this plan of identifying objectives and evaluating present structures in the light of them.

Because the electoral system is only one element of local government, the objectives it fulfills should reflect the goals of local government as an institution or set of institutions. The electoral system must serve local government; it cannot be considered apart. Identifying the goals of local government is, if anything, an even more vexing problem. However, the attention given to municipal institutions in the past fifteen years has given rise to a number of useful statements on the subject. One of the most important was given by the Ontario Committee on Taxation (the Smith Committee).

Although the Committee's main purpose was to examine finance, it found itself inexorably drawn into the realm of local government structure in its efforts to account for the Byzantine system of provincial-local transfer payments. Once it had begun consideration of local institutions, the Committee recommended important changes and used two major criteria to justify the recommendations. Local government, it argued, should serve two objectives: service and access. The report argued that:



the notion of service...includes not only economy and efficiency in the narrow administrative sense but also the full utilization of the latest techniques in order to produce results most in keeping with public needs and expressed wishes.<sup>1</sup>

The committee maintained that participation by citizens would keep government informed about local needs and wishes. But it also argued that meaningful participation could not be expected unless and until 'government is indeed fulfilling its service objectives and constitutes a solid focus of public interest.'<sup>2</sup>

These criteria were used by the Smith Committee in its recommendations about the reorganization of municipal government, and they are applicable as well to the electoral system, which is after all a component of local self-government. The concept of service relates directly to the efficient provision of local public goods. But, to the extent that citizens are best served by a properly co-ordinated system of local services administered in a way that gives the people easy access to those responsible, the concept of service also relates to the electoral system.

Its importance in this context is that the network of elective offices has a bearing on how well local services will be co-ordinated, and on how easy it will be for the citizens to identify the elected officials who are responsible for municipal programs. If each service were provided by a separate board, then each might be provided in the most economical fashion. Unfortunately, not only would the costs of co-ordinating all the services be high, but also the citizens would have considerable difficulty identifying the appropriate authority to turn to in case of need or to vote out of office in case of poor performance. Canada is already governed by different bodies at the federal, provincial, and municipal levels; it is essential that each level of government be organized in a way most conducive to responsive public administration. At the level of municipal institutions, the system of elective offices is one element to be considered in trying to achieve the objective of serviceable and responsive government.

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1. Ontario Committee on Taxation, Report, Vol.II (Toronto: Queen's Printer, 1967) p.503

2. Ibid., p.504

But the structure of elective offices is only one part of the subject. All citizens support municipal services and it is agreed that all of them should have an opportunity to choose their local government. But there are many ways of organizing citizen participation in public elections. One could, for example, argue that people should have influence according to the amount they pay in taxes or according to the size of their property holdings, etc. But the accepted principle is that each citizen should have one vote, equal in weight to the vote of every other citizen. This is the classic proposition: one man, one vote. There are limits on the application of this principle; only people meeting the qualifications of citizenship, age, and residence (or property-holding) are considered eligible. The limits go beyond even these qualifications. In Canada, it is common practice to have people vote in groups defined by geography. The territorial boundaries cannot always be drawn to achieve equality of population. If they were, the voting units might unfairly carve up large communities (or bury small ones) and thereby rule out any chance for the community to vote as a collective in its own interest.

Apart from participating by voting, citizens should also have equal opportunities to take a more active part in municipal government. The formal requirements for candidates do permit almost all eligible voters to stand for municipal office, but the informal requirements are more restrictive. Not all citizens can exercise their right to run for a council or school board position because their private jobs are not flexible enough to allow them to devote the necessary time to local politics. For others, the more serious problem is that the costs of running an election campaign, especially in at-large elections, is prohibitive. To the extent that people in certain kinds of occupations or with a certain income are favoured, the range of candidates in municipal elections may not be a satisfactory reflection of the range of interests and points of view in the community.

It is clear that there are many difficulties in achieving the optimum electoral system for local government. The objectives of efficiency in each service and responsibility for each program must be balanced against the aims of co-ordination of all services and of creating a comprehensible,

practical method of keeping the decision-makers accountable to the electorate. Moreover, the principle of one man, one vote must be made workable and, at the same time, the boundaries of local voting units should be drawn so as to allow those with common interests to express their collective point of view. Efforts must also be made to ensure that the range of candidates is as wide as possible to encourage broad representation of community interests.

Despite the problems involved in identifying the ideal system (let alone in trying to implement it), the twin objectives of efficient service by government and equitable access to government can provide the guidelines for assessing the present electoral system in Regional Niagara. In the sections that follow, some of the most important - and most contentious - issues are discussed.

#### A. The Composition of Regional Council

In setting up regional governments, the Province was faced with a great many problems. Even in areas like Niagara, where there was substantial local support for municipal reorganization (either in the form of some kind of regional government or a revised county structure), there were serious political difficulties. Many of them involved the division of responsibilities between the proposed government and the existing municipalities, some centred on the financial arrangements, but others related to the political balance between the new regional authority and the area municipalities. The regional council structure became a focus of concern over political power in the new regional municipality. In trying to settle this problem, the Provincial Government was faced with two inescapable facts:

- 1) local municipalities were reluctant to relinquish their authority, and
- 2) until regional government actually existed, there was no way for a regional community to express its preferences, except through the sum of existing councils of the area municipalities.

The Provincial Government had relatively little experience with regional structures and was not in a position to point to happy successes elsewhere to bolster its arguments about the new government in Niagara. Although Metro Toronto



had operated for more than fifteen years, it had always been treated as a separate case. The Regional Municipality of Ottawa-Carleton had only just been set up when the legislation was passed for Niagara. Yet it was in the light of its experiences in Toronto and in Ottawa-Carleton that the Province experimented with a new system of representation for the Regional Council in Niagara. For the first time, some of the members were to be directly, and exclusively, elected to the upper-tier council.

What options did the Provincial Government have in choosing this system of representation? In general, constructing a second-tier government involves choosing along two dimensions: the basis for representation and the method of election. The logical alternatives for representation are by population and by constituent unit (i.e., area municipality); for method of election, they are direct election and indirect. The combinations are summarized in the simple diagram below:

	<u>Direct Election</u>	<u>Indirect Election</u>
Representation by Population	1	2
Representation by Constituent Unit	3	4

It is commonly agreed that direct election and representation by population (1 above) form the best combination for a system of representative government. This is the system operating at the federal and provincial levels and in area municipalities where the ward method of election is used.<sup>3</sup> There are three major advantages to it:

- 1) it provides for a direct relationship between the government and the electorate, thus encouraging the government to respond to the people's concerns and providing the voters with a way of holding government accountable for its actions;

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3. In municipalities where all elections are at-large, the issue of representation by population does not arise because all voters vote for all positions.

- 2) it is based on dividing the population into groups and giving each group its own representative, whose job it is to participate in the general duties of governing and to convey his constituents' particular concerns; and
- 3) the distribution of representatives is by population so that each voter has approximately the same influence in choosing who the group's representative will be.

The arguments in favour of alternative systems of representation (indirect election or representation by constituent unit or both) are not based on denying the advantages of the classic system of representation as outlined above. Usually proponents of other systems argue that the circumstances of two-tiered government present special requirements for co-ordination and co-operation that make a pure system of direct election and representation by population unsuitable. Their contention is that the special needs for co-ordination between the two levels must be met, at least in part, through the system of representation.

Indirect election involves having members of the lower tier council sit, *ex officio*, on the council of the upper tier. This practice ensures that the views of the local municipality (and, indirectly its voters) are represented on the regional body, as well as providing a channel of communication from the region to the local municipality. A certain measure of co-ordination between the two levels is thereby assured. In addition, the area municipalities are usually more willing participants in the two-tiered system when members of their own councils sit on the regional council.

Representation by constituent unit also 'promotes co-operation between the upper and lower tiers of government'<sup>4</sup> and it is usually combined with indirect election (option 4 in the diagram<sup>5</sup>) so that the effects are even

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4. A. W. Bromage, Political Representation in Metropolitan Government, (Michigan; University of Michigan Monograph series), p.42.

5. Only Port Colborne has recommended adopting option 4. All the other municipalities support a combination of direct and indirect election, and most support the present distribution of representatives. (St. Catharines is the major exception on that point.)

more pronounced. The particular advantage of representation by constituent unit, where each participating area municipality has the same number of representatives on the regional council, is that it ensures that no municipality or small group of municipalities can dominate the regional council. Because the area municipalities are the units represented, there is a built-in focus on coordinating area and regional activities and policies. Like indirect election, this practice encourages the area municipalities to support regional or metropolitan structure because it guarantees that their interests will be represented.

Often representation on an upper tier government is a combination of direct and indirect election, and a compromise between representation by population or by constituent unit. This, in fact, is the situation in the Regional Municipality of Niagara. The main reasons the present system was adopted were to satisfy the requirements of a properly constituted representative government and at the same time to encourage co-operation on the part of the area municipalities to make regional government work. As functioning political units commanding substantial support from their citizens, the area municipalities were key participants in the establishment of regional government.<sup>6</sup> Their co-operation was vital to the regional government plan. Although the Provincial Government held the legal authority to enforce the plan, its aim of revitalizing municipal government could not be achieved if the area municipalities were so opposed to the regional structure that they would accept it only by force of law.

In Niagara, there was considerable support for some kind of reorganization. However, many of them, particularly among the rural municipalities, were opposed to the particular regional structure recommended for Niagara. Opposition stemmed, in part, from a belief that the rural municipalities were being forced into a regional government designed to solve what were primarily urban problems and a fear that the new government would be dominated by urban interests.

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6. The Smith Committee report had argued in favour of establishing regional governments first and then making them partners with the Province in restructuring lower tier municipalities. Had this recommendation been accepted, the politics of regional government would be remarkably different. Ontario Committee on Taxation, op. cit., p. 545.



The situation was complicated by the fact that consolidation of the area municipalities was scheduled to take place at the same time that regional government was set up. The proposals for annexation and amalgamation obviously meant an end to the existence of many small rural municipalities. Although there was support for this reorganization, the areas involved were reluctant to enter into local restructuring and then face a further diminution of their power in the shape of a regional council dominated by the urban municipalities.

The proposal put forth by H. B. Mayo in the Niagara Local Government Review Report acknowledged the concerns of these municipalities and recognized the need for their support if the new regional government were to become a successful institution. Accordingly, Mayo proposed a 35-member regional council on which each area municipality would have two members (the mayor and one directly elected representative); the remaining 11 members would be elected at-large from the most populous municipalities. There was extensive concern in the Region that a council with 35 members would be too large to be workable. The Provincial Government amended this part of the proposal and suggested a 25-member council on which each area municipality would be represented by the mayor; an equal number of members would be elected at-large from the largest area municipalities on the basis of one representative per 20,000 people. However, this proposal was itself amended after negotiations with the area municipalities. Despite the arguments made by the City of St. Catharines in favour of the original distribution of representatives, an additional member was given to each of Grimsby, Lincoln (then Beamsville), Niagara-on-the-Lake, and Thorold, thereby increasing the size of council to 29 members, including the chairman. It was this system that was implemented with the passage of The Regional Municipality of Niagara Act.

Table 5 on the following page illustrates the composition of regional council and gives the average population per member for 1970 and 1975 for each area municipality. It also shows the difference between these figures and the regional averages (i.e., average population per representative if each represented the same number of people) for both years. As this table indicates, the composition of regional council is based on a compromise between direct election/representation by population and indirect election/representation by constituent unit. It comprises

TABLE 5 VARIATIONS IN AREA REPRESENTATION ON REGIONAL COUNCIL, 1970 and 1975

Municipality	Total	Direct	Indirect	1970				1975			
				No. of Members		Total Pop.	Pop. per Member	Variation* from Reg. Average	Total Pop.	Pop. per Member	Variation* from Reg. Average
				Total	Direct						
Region	28	16	12	337,642	12,059	-	358,663	12,809	-		
Fort Erie	2	1	1	22,531	11,266	- 793	23,072	11,536	-1,273		
Grimsby	2	1	1	15,200	7,600	-4,459	15,555	7,778	-5,031		
Lincoln	2	1	1	13,661	6,831	-5,528	14,252	7,126	-5,683		
Niagara Falls	4	3	1	64,131	16,033	+3,974	67,892	16,973	+4,164		
Niagara-on-Lake	2	1	1	12,460	6,230	-5,829	12,383	6,192	-6,617		
Pelham	1	-	1	9,855	9,855	-2,204	9,834	9,834	-2,975		
Port Colborne	2	1	1	21,261	10,631	-1,428	20,340	10,170	-2,639		
St. Catharines	6	5	1	104,969	17,495	+5,436	120,398	20,006	+7,257		
Thorold	2	1	1	15,318	7,659	-4,400	14,694	7,347	-5,462		
Wainfleet	1	-	1	5,343	5,343	-6,716	5,933	5,933	-6,878		
Welland	3	2	1	44,680	14,893	+2,834	44,972	14,990	+2,181		
West Lincoln	1	-	1	8,233	8,233	-3,826	9,338	9,338	-3,471		

\* Negative figures indicate degree of over-representation.  
Positive figures indicate degree of under-representation.

both directly elected members (16) and indirectly elected members (12). It also takes the middle ground between representation by population (by which the four largest municipalities would have more representatives) and representation by area municipality (by which each would have an equal number). The question we must ask about this system is, how well does it serve the concept of regional government.

In early discussions of regional government, there was strong support for choosing regional councils by direct election on the basis of representation by population on the grounds that it would encourage strong and viable regional institutions. The Smith Committee report described this system of representation as 'a point we consider vital if regional government is to match the fiscal responsibility and status of other levels of government'.<sup>7</sup> The report cited the conclusions of the Ontario Legislature's Select Committee on the Municipal Act, which had argued that 'democracy in its best form emanates from the direct election of representatives at all levels of government'.<sup>8</sup> The Select Committee was equally adamant about having representation by population and argued for a ward system in which 'ward boundaries should follow as nearly as possible the boundaries of constituent municipalities'. In cases where existing municipal boundaries would not be adequate to serve as ward boundaries, the Select Committee's position was clear: '...it will sometimes be necessary to combine or divide local municipalities to achieve equality of representation'.

Despite these arguments, there are grounds for supporting the modifications embodied in the Niagara plan if we argue that they create an interim structure designed to help get the regional government started. The original Mayo proposal, although it was substantially modified, was intended to be a transitional arrangement; eventually the system of representation could be changed to completely direct election and representation by population. In the

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7. Ontario Committee on Taxation, op. cit., p. 543

8. This and the two following quotations are taken from the Fourth and Final Report of the Select Committee on the Municipal Act and Related Acts, cited in the Ontario Committee of Taxation report, op. cit., pp. 543-544



United States, where there has been a great deal of litigation concerning systems of representation, there are several precedents supporting temporary council arrangements that do not adhere to the principle of representation by population. In one case dealing with an enlarged city in which the wards were of unequal population, the court upheld the system and

...took note of the fact that the newly consolidated city was heterogeneous, and that, at least transitionally, there was a need for knowledge of rural affairs on the city council. Furthermore the court commented on the possibility that the plan represented an accommodation between rural and urban communities that may be important in solving metropolitan problems.<sup>9</sup>

But, should the present arrangements in Niagara for selecting regional councillors and distributing seats on regional council among the area municipalities just be regarded as temporary? We believe that they should be if the objectives of service and access are to be met. If public services are to be responsive to public concerns, then they should be provided by a government chosen equally by all the voters of the region. Similarly, if citizens are to have equal access to their government, then representation should be set up in a way that gives each citizen an equal opportunity to choose his representative and to hold him accountable for his actions. The following points summarize the main difficulties with the existing system:

1. At present, urban voters are substantially under-represented on regional council. Although they support regional programs with their taxes, they have less say about how the money is spent than voters in rural areas, and have more restricted access to their regional representatives. A St. Catharines regional councillor, no matter how diligent he is, simply does not have the same

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9. Stanley Scott and John C. Bollens, Governing a Metropolitan Region, (University of California Institute of Government Studies, 1968) p. 101

opportunity to hear his constituents' concerns that a regional councillor in Thorold or Wainfleet has.

2. The present bias in the distribution of representatives and the presence of the mayors on regional council may, in the long run, act against the interest of the Regional Municipality. It may not produce '...an area-wide point of view but rather a bargaining process through which the various smaller units try to protect their parochial interests'.<sup>10</sup> Providing services to the regional community is made difficult when the composition of the council encourages (albeit to a limited degree) the notion that the area municipalities, and not the voters, are the true constituents of the region.
3. The practice of indirect election deprives the voters of the opportunity to make distinct choices about policy at the local and regional levels. It also puts the mayors in the position of having to serve local and regional interests at the same time, even though these interests may not be compatible. Services will not reflect public concerns adequately when those responsible for providing public services are put in a position of divided loyalties and when the consumers of public goods do not have a chance to evaluate the performance of those governing on their behalf.

If regional government is to succeed as an effective public institution providing services for the regional community, it must be constituted in a way that gives all voters in the region an equal voice in electing the councillors and makes all councillors directly accountable to the electorate for their activities. In short, the council should be directly elected and representation should be by population.

However, even if there were a consensus to implement such a system, there remains the question of timing. Should the

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10. Committee for Economic Development, Reshaping Government in Metropolitan Areas, (New York: the Committee, 1970) p.47

system of representation be changed now? The main argument against changing the composition of the Regional Council in the next year or two is that Niagara seems to be still in the transitional stage where the regional government is endeavouring to establish itself. Some of the area municipalities remain particularly concerned about the mechanisms for co-ordinating local and regional activities and even about an adequate exchange of information.

There are, however, two ways of assessing these problems. It can be argued that the difficulty lies, at least to some extent, in the absence of a sense of regional community. (Many of the briefs to the Commission referred to a feeling of alienation from regional government on the part of citizens). If this is a serious problem, then it is an argument in favour of strengthening the relationship between the electorate and the Regional Council. Rather than continuing the present system, there could be an immediate change to regional wards and direct election of all members, as a way of fostering public awareness of regional government and giving all regional councillors responsibility only to their regional constituents. The council would be given added encouragement to respond directly to the public and to establish policies and programs that reflect regional concerns.

On the other hand, it may be advisable to retain the present system for another five or six years until the regional government is well-established and the people have greater experience of it both through direct contact and through the familiar channels of their own municipality. This position emphasizes the importance of the efficient provision of services and the role of co-operation between the two levels in promoting that aim. It may even be considered preferable to strengthen the connection between area and regional councils on the grounds that greater co-ordination and communication would strengthen regional government. Adopting the double ballot system used in York and Durham would promote co-ordination without increasing the number of indirectly elected members. However, this latter proposal seems to be a step away from the ultimate goal of a fully accountable regional council. The double ballot system, which has candidates run for the joint position of local alderman and regional councillor, deprives the voter



of a chance to choose different approaches to the different responsibilities of the local and regional council, and blurs the representative's accountability to the voters by failing to distinguish between his local and regional activities. Moreover, because local council responsibilities are heavier in some municipalities than in others, not all the aldermen/councillors would have the same time to devote to regional affairs. (See Table 6)

The methods of representation on regional council are an important influence on what regional council can accomplish. To the extent that area municipalities are represented, instead of the voters themselves, regional government is encouraged to act as a co-ordinating committee of area municipalities, instead of a separately accountable institution serving the people of the region. Still, in its initial years of operation, the Region must rely more on the co-operation and goodwill of the area municipalities than on acceptance by the regional electorate. This is in part a function of the way regional councils have been set up, but it is also a reflection of the fact that regional government is a new municipal institution specifically designed to take over some responsibilities formerly carried out by the area municipalities. If these local bodies are not encouraged to participate in regional activities, then the regional councils will not only get off to a poor start but also be in danger of failing altogether. The critical questions become, therefore, how to decide when the regional government has established itself and when to begin the move to direct election of all councillors and a workable system of representation by population.

## B. Area Municipal Councils

### (i) The Position of the Mayor

In the introduction to this study, it was noted that the separate election of the mayor is a significant departure from parliamentary tradition. In parliamentary systems, including the federal and provincial governments in Canada, the chief executive officer is not directly elected by the total voting population

TABLE 6      AVERAGE POPULATION PER REPRESENTATIVE  
BY MUNICIPALITY

Municipality	Population	Size of Council	Average Pop. per Rep.
Fort Erie	23,072	13	1,775
Grimsby	15,555	9	1,728
Lincoln	14,252	9	1,584
Niagara Falls	67,892	13	5,222
Niagara-on-the-Lake	12,383	9	1,376
Pelham	9,834	7	1,405
Port Colborne	20,340	9	2,260
St. Catharines	120,398	13	9,261
Thorold	14,694	11	1,336
Wainfleet	5,933	5	1,187
Welland	44,972	13	3,459
West Lincoln	9,338	7	1,334
Region	358,663	28 (29) *	12,809 (12,368) *

\* Includes Regional Chairman

of the jurisdiction. Instead, all members are elected from local constituencies and one among them, who has the support of a majority of his elected colleagues, becomes the head of government. This greatly simplified description is not intended to convey a realistic picture of how a Premier or Prime Minister is chosen, but only to make the point that at the senior levels of government, the head of government depends on the support of a majority of elected representatives for his position. This, in fact, is what is meant by responsible government: that the chief executive officer is responsible to the elected members. And the primary advantage of such a system is that it ensures a productive working relationship between members of the executive and the legislature.

Local government in Canada operates on a different principle, drawn from the American practice of separation of powers. In municipalities, as in U.S. government at all levels, the chief executive officer acquires power on his own, through direct election, and his position does not depend on the support of the members of the council (or legislative assembly). The theory of American government is that each branch (executive, legislative, judicial) should act as a check on the others, and separate elections are one of the means used to achieve this. Irrespective of how well this system serves the people of the United States, it is difficult to argue its applicability for Canadian local government. Although the mayor is separately elected, he has few independent powers that enable him to act as 'a check' on the council. There is no veto power<sup>11</sup>, no extensive staff organization, and in the case of municipalities where all elections are at-large, not even the argument that the mayor uniquely represents the whole of the municipality's electorate.

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11. There is no veto power in Ontario but "in at least three provinces - British Columbia, Manitoba and Quebec - the mayor has a veto power, with certain limitations, over the actions of the council."  
 T. J. Plunkett, Urban Canada and Its Government (Toronto: McMillan, 1968) p. 24



However, the separate election of the mayor is a long tradition in local government and there is much support for the practice. Although the Niagara Region Local Government Review Report (Mayo, 1966) recommended that the head of council be chosen from among the elected members, there was considerable opposition to this proposal. The mayor occupies a central position in municipal government; he is the best known, and usually considered the most important, local politician. Even though the mayor does not depend on the support of his colleagues for his office, he can often exercise effective leadership because of the authority he draws from his position as head of the municipality and the most visible elected official.

The case for abandoning the separate election of the mayor rests primarily on the need for greater cohesiveness within the municipal council, both for improving the council's ability to make policy and supervise the administration of services and for strengthening its position when dealing with the provincial authorities. The growing complexity of municipal problems requires not only more effective administrative structures and procedures but also more effective political control. At present, municipal councils are composed of a group of independently elected politicians whose ability to act together is often undermined by the absence of accepted political leadership from within the group. Having the mayor chosen by the aldermen rather than directly by the voters would create an interdependence of executive and legislature that would strengthen local government. By giving the mayor a legitimate leadership role within the council as well as within the municipality, this approach would enhance the mayor's ability to initiate policy and to co-ordinate council's approach to governing the municipality. It would also encourage the aldermen to join forces to support their candidate for head of council and to focus on their points of agreement. Any gains made might well be translated into speedier action on subjects where there is a working consensus but not perfect harmony. The present system encourages fractionalization rather than unity and, while it may sometimes promote healthy debate, it also includes a tendency to bicker over trivia simply for the sake of establishing a 'different' point of view.

Having aldermen choose the mayor from among their own ranks might also strengthen the council's position in dealing with the Provincial Government, because it would mean that there is a leader who has the support of the council not just on one subject or one request but as a general rule. As chief executive officer, the mayor is more often engaged in discussions with the Province than aldermen are and if he can speak with the authority of the council behind him, he might be in a better bargaining position. This is particularly important because talks with the Provincial Government often concern technical matters arising out of provincial grant programs or supervisory procedures, subjects that are rarely of widespread public interest. In such discussions, the support of council is of more use to the mayor than the electoral support of the voters of the municipality.

Changing the way the mayor is selected would represent a departure from the system of local elections that voters have long experience with. In an era when substantial changes are already taking place in local government structures, voters may view additional changes with something less than enthusiasm. But the proposal made here does not involve a practice unfamiliar to Canadian voters and if it will strengthen local government, it is worth implementing.

## ii) Ward Elections

In eight of the twelve area municipalities in Niagara, aldermen are elected by wards. At-large election for all members of council is the system used in the other four municipalities.

Wards: - Fort Erie, Lincoln, Niagara Falls, Pelham, Port Colborne, St. Catharines, Welland, West Lincoln.

At-large Election: - Grimsby, Niagara-on-the-Lake,  
Thorold, Wainfleet.

In municipalities where at-large election is used, there has been some discussion about shifting to a ward system.

In Grimsby, the matter was put to a vote in the 1974 election and a majority of voters preferred the ward system. As a result, in the 1976 election in Grimsby, two aldermen will be elected from each of the four wards that have been established. Although the councils of Thorold and Niagara-on-the-Lake have discussed the matter, both have rejected suggestions that they adopt a ward system and have turned down motions to put the question to the voters in a plebiscite. In Niagara Falls, however, there have been some efforts to abandon the ward system set up for the 1969 election (and still in force) and return to at-large elections. The council asked the Provincial Government to amend The Regional Municipality of Niagara Act to permit a general vote for the election of the twelve Niagara Falls city aldermen, but the request was refused and Niagara Falls was informed that it is 'government policy to establish a ward system for all cities included in regional governments'.<sup>12</sup>

The debate over the method of election has gone on for many years. Proponents of the at-large system of election argue that it encourages all aldermen to take a community-wide viewpoint and ensures that parochialism and 'backscratching' among council members do not become major problems. Furthermore, they argue that the at-large system gives all voters a chance to decide on all members of council, thus giving them a greater say about what kind of local government they have. It also lets them call upon any member of council for assistance.

Those favouring a ward system argue that giving a separate part of the municipality their own representative ensures that citizens will have better access to their member (because each alderman has fewer constituents) and that he will be familiar with their area and better able to represent its concerns. This is particularly important, they argue, when the municipality is made up of diverse neighborhoods that each have special needs. Ward system supporters also claim that it simplifies municipal elections because each voter has to make only one or two choices among aldermanic candidates, and that it encourages a broader range of candidates because the costs of campaigning are much lower in ward elections.

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12. Report to Niagara Falls City Council, May 27, 1974. (prepared by the city clerk and submitted by the city manager). Whether this statement of policy applies to the City of Thorold is not clear. In this case, 'cities' might refer to large urban municipalities, rather than to the municipality's formal designation.



Whether or not a municipality has a ward system is in most cases left up to the local municipality to decide. In urban municipalities with large populations, wards are usually adopted because the costs of municipality-wide elections are prohibitive and the burden of representing more than 100,000 constituents is an unmanageable one. In other municipalities, where the population is small and fairly homogeneous, at-large election is often preferred. When new municipalities are created by amalgamating smaller areas, either system may be chosen. At-large election is favoured when local politicians are concerned to create a new community and avoid rivalries based on old municipality boundaries. In other cases, wards are used to give the residents of former municipalities their own representative and ease the problems involved in changing from a system where they had their own council to one where they are part of a larger municipality. Examples of all of these choices can be found in Niagara. Thorold, for instance, is a city where politicians have expressed a concern for healing the rift between the former town and township. On the other hand, the ward system in West Lincoln was specifically set up to give residents of Caistor, Gainsborough, and South Grimsby their own representatives.

In municipalities where wards do exist, the general principle is that each ward should have roughly the same population so that residents have the same opportunity to influence the outcome of the election with their votes. Ward boundaries are drawn with this in mind, but also with a view to keeping communities of interest intact so that each has at least the possibility of expressing a unified choice about local government. The major exceptions to equal ward sizes occur in municipalities where this notion of community of interest is of overriding concern. The wards in Fort Erie and Niagara Falls are both examples of this. As explained earlier, ward boundaries were drawn along the boundaries of former municipalities wherever possible. The number of aldermen to be chosen from each ward was decided with a view to maintaining representation by population within these specially constructed wards. However, some obvious imbalances remain. (See Table 7A). In Ward 4, formerly part of Willoughby Township and now the smallest of the

TABLE 7A WARD POPULATION, 1975  
For Fort Erie and Niagara Falls

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Fort Erie

	<u>Ward Population</u>	<u>No. of Ward Aldermen</u>	<u>Population Per Ward Alderman</u>
Ward 1	9,036	4	2,259
Ward 2	11,346	4	2,836
Ward 3	2,083	2	1,042
Ward 4	607	1	607
TOTAL	23,072	11*	
Average Population per Ward Alderman			2,097

\* An additional alderman, elected at large, is not included.

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Niagara Falls

	<u>Ward Population</u>	<u>No. of Ward Aldermen</u>	<u>Population Per Ward Alderman</u>
Ward 1	60,756	8	7,594
Ward 2	4,920	2	2,460
Ward 3	1,491	1	1,491
Ward 4	725	1	725
TOTAL	67,892	12	
Average Population Per Ward Alderman			5,658

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Note: Figures for 'population per ward alderman' adjust for the fact that not all wards elect the same number of aldermen. Average population per ward alderman is a weighted average.

Fort Erie wards, the alderman represents 607 people, while aldermen from the largest ward represent an average of 2,259 people. Similarly, the smallest Niagara Falls ward (formerly parts of Crowland and Humberstone Townships) has only 725 people and is represented by one alderman, while the eight members from the old City of Niagara Falls represent 60,756 people, for an average population per representative of 7,594.

These ward systems were designed to ease the transition to larger municipal units and the question now is whether that object has been accomplished and ward boundaries should be redrawn to provide a more equitable distribution of population.

In other municipalities, like St. Catharines, equal ward size is a continuing problem. Although ward boundaries were redrawn in 1972, the figures given in Table 7B show a considerable disparity in ward populations. Aldermen from Port Dalhousie represent almost twice as many people as aldermen from St. George's. Inequities of this magnitude can be accepted if considerable growth is expected in the smallest wards, because realignment of ward boundaries should take into account anticipated growth (i.e., to avoid having to redesign wards too frequently). However, in the St. Catharines example given, the difference in population between the two wards has been growing steadily since 1972.<sup>13</sup>

Although consideration of future growth and maintaining communities of interest are important, the primary principle underlying a ward system is representation by population. Periodic reviews are required to ensure that this principle is maintained, so that the objective of equal citizen opportunity to vote for, and equal citizen access to, elected representatives will be achieved.

#### (iii) School Board Elections

The Education Act (S.O. 1974, ch. 109) establishes the size, composition, and method of election for all school boards in the Province. Although public and separate school boards are dealt with in different sections of the Act, the main provisions are almost identical, at least as far as the present issues are concerned, so the following discussion applies equally to both.

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13. In 1973, St. George's ward had a population of 15,043 and Port Dalhousie a population of 22,608.



TABLE 7B      WARD POPULATIONS, 1975  
For Municipalities with a Uniform Ward System

<u>St. Catharines</u>		<u>Welland</u>	
Merritton	17,561	Ward 1	9,924
St. Andrew's	18,655	Ward 2	6,926
St. George's	14,856	Ward 3	5,982
St. Patrick's	17,512	Ward 4	6,933
Grantham	22,927	Ward 5	7,706
Port Dalhousie	28,887	Ward 6	7,501
TOTAL	120,398	TOTAL	44,972
Average Ward Population -	20,066	Average Ward Population -	7,495

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<u>Port Colborne</u>		<u>Lincoln</u>	
Ward 1	5,690	Ward 1	
Ward 2	5,448	Ward 2	
Ward 3	5,775	Ward 3	
Ward 4	3,412	Ward 4	
TOTAL	20,340	TOTAL	14,252
Average Ward Population -	5,085	Average Ward Population -	3,563

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<u>Pelham</u>		<u>West Lincoln</u>	
Ward 1	3,397	Ward 1	2,335
Ward 2	2,739	Ward 2	3,491
Ward 3	3,698	Ward 3	3,512
TOTAL	9,834	TOTAL	9,338
Average Ward Population -	3,278	Average Ward Population -	3,112

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Note: 2 aldermen each ward

There are three classes of school districts within the public and separate systems: urban, rural, and combined. Each is treated differently in The Education Act, with special provisions for the school boards for each type of school district. All the Niagara boards govern combined school districts and provisions concerning these boards are set out in s. 57 (public) and s. 110 (separate). There are three main points:

1. The total size of the board is determined by the total population of the municipalities included. (subsection 2)\*
2. The distribution of representatives among participating municipalities is according to assessment ratios (i.e., each municipality has a share of the total board membership that corresponds to its share of the total residential and farm assessment for school purposes). (subsections 5 and 6)
3. Trustees are to be elected by general vote within each municipality, unless the municipal council passes a by-law - by 1 October of an election year - dividing the municipality into areas for the purposes of school board elections. One or more trustees may be elected from each area. (subsections 21 and 22)

Because the size of the board and the distribution of trustees are fixed (and it seems highly unlikely that any amendment of these provisions would be accepted by the Province), the only method of changing trustee elections is through the council by-law referred to in point 3.

If the municipal councils could be persuaded to pass appropriate by-laws, their choices are quite limited. There is no municipality in Niagara where the number of trustees to be elected corresponds to the number of municipal wards. Therefore, the choices are to combine municipal wards for school board elections or to draw new boundaries.

In the first case, St. Catharines would have two school 'wards', each made up of 3 municipal wards. Public school supporters would elect 5 trustees in each area and separate school supporters would elect 5 trustees to the separate school board and one representative to the public school board. In Welland, there could be three school

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Refers to s. 57 as do other notes.

'wards', each made up of two municipal wards, and each electing one school trustee. The separate school representative on the Niagara South Board of Education from Welland would be elected at-large. Similar arrangements can be made in all the municipalities with wards, with the exception of Niagara Falls, where there are 4 wards but 5 public school trustees to be elected and a total of 7 separate school representatives. However, changes in the ward system in Niagara Falls might make school board elections easier to arrange.

The alternative of establishing entirely new school wards is not, perhaps, an acceptable one. It would only add to the confusion for voters and candidates alike, and would raise the difficulties involved in establishing appropriate ward boundaries and so on.

There is one further possibility, at least in theory. The councils might pass a by-law saying that one trustee should be elected in each ward, with the remaining number elected at-large. This possibility applies only to Niagara Falls and St. Catharines, the only municipalities where the number of trustees to be elected is large enough. However, there are two problems: 1) it is debatable whether subsection 21 of s. 57 of The Education Act would allow the council to pass a by-law of this type, and 2) such a system would set up two classes of trustees, those elected by ward and those elected at-large. The trustees have equal responsibilities on the board and all should be elected on the same basis.

In summary, then, we regard using combinations of municipal wards as the only practical approach to new school elections. But, given the present inequities in ward populations, there is a danger that school election areas will incorporate or even aggravate such disparities. Therefore, we suggest that this change should be approached with some caution and, where possible, made contingent upon appropriate changes to the municipal ward structure.

#### (iv) Special Purpose Bodies

The proliferation of special purpose bodies at the municipal level (and elsewhere) is widely regarded as an undesirable development, mainly because it hampers the co-ordination of services, reduces the municipal council's



ability to control spending in certain programs, and complicates the task of the citizen who wishes to identify who is responsible for what decisions. Furthermore, in the case of appointed boards, the citizens have no direct method of holding the officials accountable for their activities.

School boards are often excepted from this judgement because they have been a valued feature of local government for so long. The boards are elected and the citizens therefore have control over the trustees. However, the growing control over school decision-making by the Provincial Government raises the question of how meaningful the school boards are as local institutions. Even though the boards are elected, this can count for little if their decision-making power is severely circumscribed. But, to the extent that school boards do retain control over school policy, their existence poses the same problems as other special purpose bodies. Co-ordination of education and other municipal services like recreation becomes more complicated. Using school facilities for recreation or for day care centres often requires a special effort on the part of the board and the local council. In addition, education costs take up a substantial portion of the municipal tax dollar but it is the municipal council that must raise the mill rate and take the political consequences of the school board's spending decisions as well as its own.

Other special purpose bodies pose similar problems so the trend has been towards eliminating them and returning their functions to the municipal council at either the local or regional level. When the Regional Municipality of Niagara was established, a number of special purpose authorities were disbanded, including recreation boards and waterworks commissions. Where a board is required for the purposes of provincial grant legislation, this requirement has been met by designating the entire municipal council a board for the purposes of the statute concerned.

Reducing the number of special purpose bodies seems to be a move in the right direction. Although empirical

evidence is sparse, one recent study<sup>14</sup> of municipal water services found that such services were provided more economically by the regular civic administration than by a separate commission. The explanation is based on the savings realized through centralized services in the civic administration (e.g., central purchasing, accounting, etc.) as well as on the tendency of special purpose authorities to 'build their empires' and spend more than is absolutely necessary.

Whether similar economies would result if other functions were returned to municipal councils is not clear. In some cases, the traditional arguments in favour of separate authorities appear to remain important. Police commissions, for example, are regarded as a necessary means of insulating police services from any suggestion of political interference. Nonetheless, the present composition of police commissions has come under attack both because the presence of a county court judge on the board is considered a conflict of interest between the judicial branch and the administration of police services, and because there is not sufficient control by councils over escalating police costs. The latter point is of special concern in Niagara, where the Regional Police Force budget is an increasingly contentious issue.

But there are fewer obstacles to returning other services to the control of the municipal council. Various experiments are underway to examine the effects. In the Regional Municipality of Kitchener-Waterloo, for example, there used to be a Board of Health for the Regional Health Unit, as there is in Niagara. However, in July of 1975, the Provincial Government passed a legislative amendment abolishing the Board of Health as then constituted and designating the regional council as the Board of Health. In fact, it is the regional council's Health and Social Services Committee that now performs all the functions of a Board of Health. This

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14. Harry M. Kitchen, 'Some Organizational Implications of Providing an Urban Service: The Case of Water', Canadian Public Administration, Summer 1975, pp. 297-308.

case is being watched with some interest and, if it is successful, the Kitchener-Waterloo example may be followed in other regions and perhaps extended to other services as well.

Eliminating special purpose bodies and concentrating more responsibility in the municipal council may serve not only to increase co-ordination of municipal services and permit greater financial control by elected representatives, but also to enhance the authority of municipal councils and make them, as the Smith Committee put it, 'institutions worthy of the challenge of local autonomy'.

### C. Candidates

Much of this discussion has focused on elements of the electoral system that are either specified in provincial legislation or controlled by the municipalities through the enabling acts. But there are other aspects of the electoral system where the legislative provisions are not at issue; actual practice is the subject of concern. The two most important areas are candidate eligibility and voter involvement in municipal elections.

The provisions of The Municipal Elections Act state that any person whose name appears on the voters' list is eligible to stand for local or regional office, unless he is expressly disqualified. But out of the vast list of eligible citizens, only a small number ever even consider running for a municipal council or school board. Many of those who do not think of putting their names forward are people for whom politics holds little interest; they would rather spend their time on other things, and a system of representative government allows them to have a say without having to become deeply involved. But many observers are concerned that there are others who are interested and who have an important contribution to make but who are discouraged from running for office.

This is a subject of concern at all levels of government, for serving in public office is rarely a secure occupation and not everyone can give up (or substantially curtail) his private job to serve in government, nor can everyone bear



the expense of conducting a campaign. The problem is considered less severe at the municipal level than at the other levels of government, for several reasons. Serving on the council or school board does not involve moving to a new city or trying to maintain two homes, as it does for so many provincial and federal members. Often, especially in small and medium-sized municipalities, serving in local public office is a part-time occupation and so the risks associated with a career in politics are smaller. In addition, the costs of municipal election are usually very low compared to amounts spent in federal and provincial campaigns.

Nonetheless, there are informal eligibility requirements even at the municipal level. Perhaps the most important factor is the nature of a person's occupation. In municipalities like those in Niagara, almost all public offices do not take up the full work week. Therefore, a person interested in running for council must be in a position to maintain his private occupation. This is far easier to do for people who have a significant degree of control over their jobs. For example, many businessmen have much greater freedom in organizing their working time around the obligations of council meetings and constituency matters than factory workers have. Professionals are at a similar advantage, because they often control their own practices.

The difference in job flexibility also affects income. Those in relatively independent occupations will have a better opportunity to maintain their private income by rearranging their work; their council salary will be an addition to it. For people whose jobs are more rigid, the council pay is more likely to replace lost income from their private jobs. The argument here is not that having council pay replace lost income is intrinsically unfair; rather, it is that people in flexible occupations are at an advantage.

Tables 8A, 8B & 8C showing the distribution of occupations on elected bodies in Regional Niagara, illustrate that there is a certain bias in favour of what we might consider flexible occupations. The largest single category is 'professional', which involves just over one-quarter of all elected representatives, followed by 'business/sales', with about one-fifth of the total.

TABLE 8A MUNICIPAL COUNCILS BY OCCUPATION (1975-76)

Municipality	TYPE OF OCCUPATION						Total	
	Agricultural	Business/ Sales	Managerial	Professional	Skilled Labour	Other		Non-Labour Force
Fort Erie	-	5	3	1	2	1	1	13
Grimsby	1	2	2	2	-	1	1	9
Lincoln	1	1	-	1	1	2	3	9
Niagara Falls	-	3	-	7	2	1	-	13
Niagara-on-Lake	2	1	1	3	1	-	1	9
Pelham	2	1	1	2	-	-	1	7
Port Colborne	1	4	-	1	2	-	1	9
St. Catharines	-	1	4	4	3	-	1	13
Thorold	-	-	3	5	1	-	2	11
Wainfleet	-	1	-	2	-	-	2	5
Welland	1	2	3	2	2	-	3	13
West Lincoln	3	3	-	-	-	-	1	7
Subtotal	11	24	17	30	14	5	17	118
Region	-	7	2	1	1	1	4	16

TABLE 8B SCHOOL BOARDS BY OCCUPATION (1975-76)

	TYPE OF OCCUPATION							Total
	Agricultural	Business/ Sales	Managerial	Professional	Skilled Labour	Other	Non-Labour Force	
Lincoln Cty. Board of Education	2	3	5	8	-	-	2	20
Lincoln Cty. Separate School Board	-	-	2	5	2	3	2	14
Niagara South Board of Education	1	1	4	7	2	1	4	20
Welland Cty. Separate School Board	1	4	2	4	2	1	-	14
Subtotal	4	8	13	24	6	5	8	68



TABLE 8C SUMMARY OF OCCUPATIONS BY TYPE OF ELECTED BODY (1975-76)

Type of Elected Body	TYPE OF OCCUPATION						Total
	Agricultural	Business/ Sales	Managerial	Professional	Skilled Labour	Other	
Area Councils	11	24	17	30	14	5	118
Regional Councils	-	7	2	1	1	1	16
School Boards	4	8	13	24	6	5	68
TOTAL	15	39	32	55	21	11	202

\* Includes housewives and retired people.

Another point related to occupation is that people in certain jobs have a better chance of getting elected than average. To some extent, this is a reflection of the fact that certain professional skills are valued by the voters (e.g., law, accounting, engineering) because the candidates who possess them have an expertise that will be useful in municipal government. The voters may regard such candidates as particularly well-qualified and support them accordingly. However, people in some occupations are 'more electable' because their work involves broad public exposure and the voters are more likely to be familiar with these candidates. This is particularly true of businessmen who become widely known through their business advertising. Because of the number of voting choices municipal electors must make, the 'name recognition' syndrome plays a part in the election results.

The significance of an occupational bias is that it affects the council's potential to be fully representative of the range of interests and points of view in the community. Although the council does not have to include members of all occupations or all ethnic groups (nor could it) to do a good job in serving the people of the community, it is important that the range of candidates be as wide as possible. To the extent that certain groups are discouraged from standing for election, the voters do not have maximum choice in deciding who shall represent them.

Some potential candidates are discouraged, if not prohibited from running for office by the cost of election campaigns. Although campaigns in municipalities as small as Wainfleet, or in fairly small wards, might be run quite cheaply, elections in areas like Niagara Falls' ward 1 can be expensive. There are just over 60,000 people in this ward and a total of eight aldermen are to be elected. A potential candidate faces the task not only of reaching as many voters as possible but also of trying to make an impact large enough to ensure that they choose his name out of the list of twelve or fifteen that will be presented. The same problem exists with the cost of election for candidates for regional council. Because there are no institutionalized means of acquiring election support (e.g., political party financing or public subsidies) the cost of running for office can act as a real deterrent.

The difficulties facing potential candidates may be one reason for the number of uncontested positions in municipal elections. Tables 9A and 9B illustrate the number of offices that were filled by acclamation in the 1974 elections in Niagara. It is significant that seven out of the twelve mayors were acclaimed and that a further six regional councillors were unopposed. This means that almost half the membership of regional council holds office without having had to debate the pressing issues of concern to so many people. This is not a criticism of the present incumbents; on the contrary, it may well represent a very high level of voter satisfaction with their performances, so high that potential challengers decided that they could not sway the electorate. Yet, we must also ask if so high an acclamation rate means that there is inadequate interest in local government. If people are not sufficiently involved with their municipal institutions, to what extent does the fault lie with the institutions themselves? And what measures can be taken to improve the situation?

There have been some suggestions that making some municipal positions full-time jobs would be an improvement. There is little concrete information available about the present workload of municipal politicians. It is clear that the mayors spend a considerable part of their working time on municipal business, and this is particularly true of the mayors who are their municipality's sole representative on regional council. Not only must they look after the affairs of the local municipality, but they must try to cover all aspects of regional business as well. The general indications are that politicians have an average of between 70 and 85 regular meetings during the course of a year. In St. Catharines for example, there are about 28 regular council meetings a year, and a further 46 meetings of all-council general committee. Executive Committee members also attend an average of 24 meetings of that committee. In Niagara-on-the-Lake, the average is about 85 meetings of full council: 27 as regular council meetings and a further 58 for the Finance and Administration Committee. These obligations are only the tip of the iceberg. They do not take into account the countless meetings of special committees, or of boards and commissions on which the politicians sit. Nor does the list of meetings take into account the time politicians spend dealing with their constituents' problems.



TABLE 9A      TYPE AND NUMBER OF ACCLAMATIONS  
BY MUNICIPALITY, 1974 ELECTIONS

Municipality	ACCLAIMED POSITIONS			Total
	Regional Councillor	Mayor	Aldermen	
Fort Erie	1	1	2	4
Grimsby	-	-	-	-
Lincoln	-	-	2	2
Niagara Falls	-	1	1	2
Niagara-on-Lake	1	-	-	1
Pelham	N/A	1	-	1
Port Colborne	1	1	4	6
St. Catharines	-	1	-	1
Thorold	1	1	-	2
Wainfleet	N/A	-	-	-
Welland	2	1	-	3
West Lincoln	N/A	-	2	2
TOTAL	6	7	11	24

TABLE 9B      SUMMARY OF CONTESTED AND ACCLAIMED POSITIONS  
BY MUNICIPALITY    (1974 ELECTIONS)

Municipal Council	No. Contested Positions	No. Acclaimed Positions	Total
Fort Erie	10	3	13
Grimsby	9	-	9
Lincoln	7	2	9
Niagara Falls	11	2	13
Niagara-on-Lake	9	-	9
Pelham	6	1	7
Port Colborne	4	5	9
St. Catharines	12	1	13
Thorold	10	1	11
Wainfleet	5	-	5
Welland	12	1	13
West Lincoln	5	2	7
Region	10	6	16
TOTAL	110	24	134

But whatever the time commitment involved, the pay for serving on municipal council is clearly 'part-time', as Table 10 indicates. Only for the mayors of Niagara Falls and St. Catharines is the salary high enough for the incumbents to consider working exclusively on their municipal responsibilities. Increasing the pay for other jobs, particularly regional councillors, might well attract new candidates who are not now able to consider running for office and give the present councillors more freedom to work on regional affairs. The \$5,000 paid to regional councillors in Niagara is quite low, considering the rates in other regional municipalities: \$8,050 in York; \$8,500 in Hamilton-Wentworth; \$10,000 in Peel; and \$11,000 in Durham.

Whether the jobs should be made full-time with appropriate salaries is a difficult question. One of the disadvantages is that the people who have a hard time combining municipal office with their private jobs are the very people who face greater risks if they leave their jobs altogether. Professionals and businessmen can more easily return to their private occupations because, in many cases, they are their own employers or have a significant amount of control over their work. But others who risk losing seniority or perhaps not being able to return to their jobs at all, face greater potential hardship by entering local politics on a full-time basis. It has also been argued that when politicians also work at their private jobs, they are in better touch with the community and its concerns. However, being in politics full-time does not necessarily mean that councillors will have an ivory tower outlook; on the contrary, it might well give them a better opportunity to maintain contacts in all parts of the community, not just those they encounter through working.

The issue of candidate eligibility turns on the potential within the existing electoral system for voters to have a full choice in selecting their local government and for all citizens to take as active a role in local politics as they want. Who actually serves on council is a matter for the voters to decide, but local government, as the level of government closest to the people, has a particular responsibility to ensure that the possibility of running for public office remains open to as many citizens as are interested in it.



TABLE 10 REMUNERATION BY POSITION, BY MUNICIPALITY, 1976

Municipality	Mayor*	Aldermen
Fort Erie	\$ 7,500	\$ 3,600
Grimsby	7,200	4,800
Lincoln	6,000	3,600
Niagara Falls	18,570 <sup>1</sup>	4,500
Niagara-on-the-Lake	5,000	3,600
Pelham	5,000	3,000
Port Colborne	8,780 <sup>2</sup>	3,500 <sup>2</sup>
St. Catharines	19,000 <sup>3</sup>	4,000
Thorold	5,000	3,000
Wainfleet	2,800	2,800
Welland	9,900 <sup>3</sup>	4,000
West Lincoln	5,430	3,000
Region	Chairman	Councillors
	\$ 25,000	\$ 5,000

\* In addition, all mayors receive \$5,000 for serving on Regional Council.

1 Basic salary is \$15,000. Amount shown includes payments for serving on transit and hydro commission as well as a car allowance of \$450.

2 Mayor's salary includes \$480 for serving on Planning and Recreation Committee. Aldermen who serve on this Committee have their salary increased by \$480. Those who serve as committee chairmen get an extra \$200.

3 Includes payment for serving on hydro commission.

#### D. The Voter's Choice

The centre of the electoral system is the election itself. It is at this point that the candidates have been nominated, the campaigns run, the voters enumerated. But what sort of choice faces the municipal voter in Niagara? Table 11 illustrates the number of voting choices each voter is entitled to make. As the table shows, the list is staggering. One wonders how a separate school supporter in St. Catharines can prepare, every two years, to make thoughtful and considered decisions on a wide range of issues and about the qualities of perhaps 40 candidates. In fact, in the 1974 election that voter, if he lived in Merritton ward, would have been faced with the following list:

12 candidates for regional council  
(choose five)

5 candidates for ward aldermen  
(choose two)

17 candidates for the Lincoln County Separate  
School Board  
(choose ten)

3 candidates for separate school trustee on the  
Lincoln County Board of Education  
(choose two)

Total - 37

In the case cited, however, the voter had only to make 19 voting choices, because the mayor was acclaimed.

Given the enormity of the task facing the voter, it would not be surprising if few of them voted, or if those voting did not exercise all the choices open to them. In fact, the voter turnout rate in Niagara is in many cases quite high, given the usual rates for municipal elections. In the decade 1960 to 1970, the average turnout at municipal elections in 21 Ontario cities was 43.1%.<sup>15</sup> Table 12 gives the percentage turnout for each municipality for the past three municipal elections.

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15. Bureau of Municipal Research, 'Low Voter Turnout in Municipal Elections - No Easy Solution', Comment, Feb. 1976, p.1

TABLE 11      NUMBER OF VOTING CHOICES BY MUNICIPALITY  
AND TYPE OF SCHOOL SUPPORT

Municipality	For Voters Who Are Public School Supporters	For Voters Who Are Separate School Supporters
Fort Erie		
Ward 1,2	9	10
Ward 3	7	8
Ward 4	6	7
Grimsby	12	12
Lincoln	6	6
Niagara Falls		
Ward 1	17	19
Ward 2	11	13
Ward 3,4	10	12
Niagara-on-Lake	12	13
Pelham	4	5
Port Colborne	6	6
St. Catharines	18	20
Wainfleet	6	7
Welland	8	9
West Lincoln	4	6

TABLE 12      VOTER TURNOUT (PERCENTAGE) FOR THE PAST  
THREE MUNICIPAL ELECTIONS

Municipality	1969	1972	1974 *
Fort Erie	33.6%	36.2%	36.6%
Grimsby	26.7	47.8	45.5
Lincoln		42.9	48.9
Niagara Falls	52.9	53.8	33.6
Niagara-on-the-Lake	50.3	43	43.0
Pelham	59.8	36.0	36.8
Port Colborne	56.1	55.6	22.2
St. Catharines	26.2	38.5	25.8
Thorold	50.9	56.5	36.0
Wainfleet	61.4 **	46.8	30.9
Welland	58	48	38
West Lincoln	55	48.3	36.5

\* Turnout in the 1974 elections was low in all municipalities (except Grimsby and Lincoln) because of bad weather on polling day.

\*\* Wainfleet municipal election was held in 1970, not 1969.



The figures here reflect the common understanding that the absence of electoral competition affects the turnout rate. In Port Colborne, for example, the 1974 turnout was for an election in which more than half the positions were not contested. Included among the acclamations were the position of mayor and regional councillor.

There has been considerable concern expressed about the turnout rates at municipal elections. Although local government is the closest and presumably the most familiar level of government, the turnout rate only rarely approaches the rate for provincial elections (65% in 1975) or federal elections (an average of 79% in Ontario constituencies during the period 1960 to 1970).<sup>16</sup> High rates of acclamation help to explain particularly low turnout rates, as in the Port Colborne example above, but they do not account for the fact that, consistently, fewer people vote in municipal elections than in any other.

A number of explanations have been offered. One is that the turnout figures are not accurate because they are based on enumeration data that are subject to a margin of error reputed to go as high as 40%.<sup>17</sup> Because municipal enumerators are updating information and because so many items are included on the form, simple errors are easily missed. First names are matched with the wrong birthdates and school children become 'eligible voters' while their parents are not on the list. Other mistakes involve incorrectly listing people as Canadians or other British subjects. Errors most commonly arise because the householder is expected to return the form if there is no one at home when the enumerator calls. Many people do not send it in, or do not catch all the errors, so that incorrect information remains on the books. This does not prevent interested citizens from voting but it does keep on the voters' list an undetermined number of people who are not eligible to vote.

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16. Ibid., p.1

17. J. F. Hough, "The Liberal Party and the 1969 Toronto Mayoralty Election", Canadian Political Science Association, Papers, 1970.

A related argument is that comparing municipal turnout rates with provincial and federal turnout is not valid, because different eligibility requirements apply. One preliminary investigation suggested that 'if municipal and provincial elections used the same voter eligibility rules, municipal turnouts would be much higher...of provincial turnouts much lower...'.<sup>18</sup>

Other explanations do not dispute the validity of the turnout figures but try to account for them by calling attention to the reasons voters may have for not going to the polls. One suggestion is that municipal elections are too complex. Voters are faced with a bewildering array of offices and candidates. Acquiring enough information about the issues at stake and about the candidates' positions and their general qualifications for holding office is a time-consuming venture and it is made more difficult because there is no general guide to municipal politics. At other levels of government, where the voter has only one decision to make, political parties attempt to offer coherent platforms that provide the voter with a way of organizing information about the election. But in municipal elections, the voter is on his own: each candidate and each office are treated separately and presented to the voter separately. Many voters, it is argued, simply abandon any efforts to make sense of the confusion that confronts them and decide not to vote.

The difficulty of getting information may be one factor accounting for the tendency of those who do vote to re-elect candidates who have previously served in municipal office. An examination of recent contested elections involving 156 contested positions reveals that of the successful candidates, 78% had prior experience in local

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18. BMR, op. cit., p. 2

office, while only 22% were newcomers.<sup>19</sup> Although almost half the contestants were newcomers, only about one in five won his campaign. This result can certainly be interpreted as a rational preference for experienced politicians rather than a tendency to vote for familiar names, but it does raise that question that the general confusion of municipal election campaigns, particularly in at-large elections, makes it extremely difficult for newcomers to become well enough known to the voters. In the absence of any other way to organize their approach to elections, the voters use familiarity as an important criterion.

Another argument explaining low turnout is that many voters do not regard local government as having much political importance, and therefore do not consider it worthwhile to vote in local elections. The attitude may be based on the belief that local government is not political ('There is only one way to plow the streets') so it does not matter who is elected. However, it may also reflect a belief that local government has few important powers. To some extent, this may be based on a poor understanding of local government, but it may also indicate a belief on the part of voters that the provincial government is going to make the final decision no matter what the local council decides. If this is true, there will be little improvement in voter turnout until local government is regarded as a more influential institution.

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19. Figures are based on the past three municipal elections in seven of the area municipalities in Niagara. (Data were not available for the others). Of the 350 candidates, 199 had previously served in local public office and 151 were newcomers. Data breakdown follows:

Successful candidates		156
with experience	123	
without	33	
Unsuccessful candidates		194
with experience	76	
without	118	
Total		350

One other factor in voter turnout is that elections are held in December. Not only can bad weather deter people from going to the polls (as it did in 1974) but it makes campaigning more difficult. Organizing house-to-house canvassing and getting people out to all-candidates meetings are both more difficult in the winter. With less exposure to the campaigns, voter interest in and knowledge of the election is lower. Although it has been argued that the timing of the election is not important, it is no accident that provincial and federal elections never take place in December.

Changing the date of the election might seem a simple and effective way of encouraging greater turnout, but for years it was regarded as impossible, primarily on the grounds that assessment cannot take place earlier and that the term of office must begin with the municipal fiscal year (January 1). The difficulty with assessment is that it should not take place during July or August when many people are away on holiday, nor should it be earlier because that increases the risk of error in the voters' list, since the late spring months are the most popular time for moving. However, with the voter's right to make a declaration of his eligibility to vote in the case that his name does not appear on the list, there is less pressure for an error-free voters' list. Furthermore, earlier assessment (in June, for example), would allow the provincial government to give the municipalities earlier information about the size of the grants they can expect and thereby allow the municipalities to include this in their budget-making process.

As far as the term of office is concerned, it is usually considered desirable to have the council's term coincide with the fiscal year so that the council has full authority over and responsibility for financial operations during its tenure. But this means, in an election year, that the budget cannot be finalized before the beginning of the fiscal year, because the new council does not assume office until then. Furthermore, it means that the new council must participate in budget decisions before they have a reasonable chance to familiarize themselves with the existing municipal operations. One solution is to hold earlier elections and have the council take office before the beginning of the fiscal year. The budget would not be held up



and the council would be in a better position to make informed decisions. Although this does involve an inconsistency between the fiscal year and council term, it would affect only the last month or six weeks of the fiscal year, when few crucial decisions are made, and does not seem to be an unreasonable price to pay for the advantages of an earlier election.

The importance of voter turnout is that it is an indication of citizen interest in, knowledge of, and concern for their local government. Although there are many other ways for citizens to participate in local affairs, voting is a right granted equally to all citizens and stands as the basic measure of their participation. As a recent study concluded, 'if the percentage of the people exercising their voting franchise is low, this has serious implications for the legitimacy with which our local representative system functions...'<sup>20</sup>

#### E. Conclusion

This examination of the electoral system has focused on how well it meets the objectives of service and access that local government should fulfil. Although the electoral system is only one part of the structure of municipal government, it is a particularly important one for ensuring that local institutions are legitimate and representative. It is through the electoral process that citizens can state their preferences about local policies and programs and hold their leaders accountable for their actions. To ensure that this system operates as well as possible, the structures involved should be simple, effective, and easily understood.

Both from the point of view of co-ordinating municipal services and from the point of view of promoting citizen participation, the structure of local elective offices could be simplified. Wherever possible, the relationship between the governing and the governed should be a direct and equitable one, with each voter having an equal opportunity to choose his representatives. It is equally important that the voter be offered a manageable responsibility.

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20. BMR, op. cit., p. 8

Although some might argue that the more voting choices there are, the more democratic the system is, it is likely that the opposite is true in contemporary municipal politics. Local government is a less meaningful democracy because the voter is buried in an avalanche of choices on which he cannot properly inform himself.

The introduction of the regional government concept was an effort to revitalize municipal government by creating structures appropriate to the new demands for services and planning. By making local government more competent to fulfil its responsibilities, local autonomy would be strengthened. However, the process of reform cannot stop there. There must be further changes to strengthen the electoral system if local self-government is to remain a meaningful concept, for local government is intended not only to be the provider of efficient services but also to reflect and respond to the concerns of local residents. The electoral system has a unique role to play as the structure that connects the people and their representatives. Unless it, too, is appropriate to the demands of a healthy local government, the goal of full local autonomy cannot be achieved.







